

Indian Wells
(760) 588-2611

Los Angeles
(213) 617-8100

Manhattan Beach
(310) 643-8448

Ontario
(909) 989-8584

Ryan M. F. Baron
(949) 263-6568
Ryan.Baron@bbklaw.com
File No. 60367.01620

BBK
BEST BEST & KRIEGER
ATTORNEYS AT LAW

18101 Von Karman Avenue, Suite 1000, Irvine, CA 92612
Phone: (949) 263-2600 | Fax: (949) 260-0972 | www.bbklaw.com

Riverside
(951) 686-1450

Sacramento
(916) 325-4000

San Diego
(619) 525-1300

Walnut Creek
(925) 977-3300

Washington, DC
(202) 785-0600

November 27, 2018

VIA E-MAIL

Phil Wyels
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95812

**Re: SWRCB/OCC File A-2456 (a) through (l) – Request to Hold in
Abeyance Petitions for Review A-2456(l) (City of Aliso Viejo)**

Dear Mr. Wyels:

Best Best & Krieger represents the City of Aliso Viejo (“Petitioner”) in the above-referenced proceeding. On December 18, 2015, Petitioner filed Petition for Review A-2456(l) requesting review of San Diego Regional Water Quality Control Board Order No. R9-2015-0100, and order amending Order No. R9-2013-0001, as amended by Order No. R9-2015-0001, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (“Petition”). On December 5, 2016, Petitioner asked that its Petition be put into abeyance. The abeyance period is for two years and is due to expire on or around December 17, 2018. Petitioner is requesting that the State Board continue to hold these petitions in abeyance for an additional two years, *i.e.*, December 16, 2020, or until such time as the State Board acts on the petitions in this proceeding. Petition further requests that the Chief Counsel’s Office send Petitioner written notice that it has approved the abeyance request and the date when the abeyance period expires.

On March 15, 2016, the State Water Resources Control Board deemed the Petition complete and consolidated it with certain other petitions that were factually and legally related. On November 4, 2016, the State Board issued notice of its proposed own motion to review Order No. R9-2015-0100 because the State Board could not complete review of the petitions within the 270 day time period prescribed by 23 C.C.R. § 2050.5(a). The notice indicated that the State Board was reviewing the petitions filed on the watershed management plans required under the MS4 permit issued by the Los Angeles Regional Water Quality Control Board. Upon the adoption of an order on the issues raised in the Los Angeles petitions, the State Board would

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determine whether to adopt an order addressing the issues raised by the petitioners on the San Diego MS4 permit. On December 6, 2016, the State Board took up review of the Petition. At that time, the Office of Chief Counsel noted that there was a backlog of petitions and it did not have sufficient time to review the San Diego MS4 permit petitions within the 270 day period.

It has been almost two years since the State Board took up review of the petitions in this proceeding. In lieu of seeking a court's review of the Petition, Petitioner has patiently waited for the State Board to review and address the issues that have been raised on the San Diego MS4 permit. In addition to this abeyance request, I respectfully ask that the Office of Chief Counsel provide a status and timeline for when the Petition might be reviewed and heard by the State Board.

Lastly, I request that the following changes to the Name and Address (Notice) sections of the Petition be changed to the following:

Petition for Review A-2546(I) - City of Aliso Viejo

Please keep David Doyle, City Manager, and Shaun Pelletier, Public Works Director as contacts. Please replace counsel with the following:

Ryan M. F. Baron
Rebecca Andrews
Best Best & Krieger LLP
18101 Von Karman Ave, Ste. 1000
Irvine CA 92612
(949) 263-6568
ryan.baron@bbklaw.com
rebecca.andrews@bbklaw.com

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ATTORNEYS AT LAW

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Please do not hesitate to contact me with information related to this Petition. Thank you for your attention to this matter.

Sincerely,



Ryan M. F. Baron
for BEST BEST & KRIEGER LLP

cc: Dave Doyle, City Manager
Shaun Pelletier, Director of Public Works
Moy Yahya, Environmental Programs Manager
Scott Smith, City Attorney